



McGeorge Law Review

Volume 21 | Issue 2

Article 19

1-1-1990

Education

University of the Pacific; McGeorge School of Law

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Recommended Citation

University of the Pacific; McGeorge School of Law, *Education*, 21 Pac. L. J. 471 (1990).

Available at: <https://scholarlycommons.pacific.edu/mlr/vol21/iss2/19>

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Education

Education; release of student records to sexual assault victims

Education Code § 67134, 76234 (new); § 67143, 76243 (amended).
SB 1546 (Roberti); 1989 STAT. Ch. 593

Except in limited circumstances, existing law prohibits postsecondary institutions from releasing information contained in a student's records without the written consent of the student.¹ Under Chapter 593, when a student's file contains information regarding any disciplinary action taken by a college or university in connection with an act of sexual assault,² the alleged victim of the assault must be informed within three days of the results of the disciplinary action, and the outcome of any appeal.³

DA

1. CAL. EDUC. CODE §§ 67143(a), 76243(a) (West 1989) (amended by 1989 Cal. Stat. ch. 593, sec. 4, at ____). Access is permissible if the information is required by: (1) An official or employee of the school; (2) certain authorized representatives of offices of the United States government, or of state education agencies; (3) other state and local officials; (4) other school systems where the student intends to enroll; (5) organizations evaluating the student's application for financial aid; (6) accrediting organizations; (7) organizations conducting studies or tests for educational purposes; (8) persons in an emergency situation where it is necessary to protect the student's health and welfare. *Id.*

2. 1989 Cal. Stat. ch. 593, sec. 3, at ____ (enacting CAL. EDUC. CODE § 76234) (includes victims of assault or sexual abuse, including rape, forced sodomy or oral copulation, sexual assault or battery, or any other conduct threatening the victim's health and safety).

3. *Id.* The victim is required to keep all information confidential. *Id.*

Education; retirement fund payments

Education Code §§ 24612, 24612.5, 24615 (amended).

SB 686 (C. Green); 1989 STAT. Ch. 327

Sponsor: State Teachers Retirement System (STRS) Board of Administration

Support: STRS

Opposition: State Consumer Services Agency, California Teachers Association

Under existing law, the Teachers' Retirement Board¹ may disburse allowances and death payments² for emergency needs, and deduct the disbursements from the total allowances and death benefits due an employee from the accumulated retirement contributions.³ Chapter 327 empowers the Board to make an emergency disbursement of up to seventy-five percent of an employee's accumulated retirement contributions if employment is terminated or the employee dies.⁴ Chapter 327 also requires the State Teachers' Retirement System to make its first payment to an option beneficiary⁵ or retirant within forty-five days of either the date the member of retirant dies or retires, or the date that the retirement application is received, whichever is later.⁶ Chapter 327 assesses interest payments against the State Teachers' Retirement System at the regular interest⁷ rate if the payee does not receive payment within the forty-five day time limit.⁸

MWP

1. See CAL. EDUC. CODE § 22201 (West Supp. 1989) (establishing the Teachers' Retirement Board). The Teachers' Retirement Board manages the State Teachers' Retirement System. *Id.*

2. See *id.* § 22118 (definition of death payment).

3. *Id.* § 24615 (amended by 1989 Cal. Stat. ch. 327, sec. 3, at ____)

4. 1989 Cal. Stat. ch. 327, sec. 3, at ____ (amending CAL. EDUC. CODE § 24615).

5. See CAL. EDUC. CODE § 22134.7 (West Supp. 1989) (definition of option beneficiary).

6. 1989 Cal. Stat. ch. 327, sec. 1, at ____ (amending CAL. EDUC. CODE § 24612) (grouping option beneficiaries with retirants).

7. See CAL. EDUC. CODE § 22145 (West Supp. 1989) (definition of regular interest).

8. 1989 Cal. Stat. ch. 327, sec. 2, at ____ (amending CAL. EDUC. CODE § 24612.5).

Education; Teacher's Retirement Board—members' liability

Education Code §§ 22225.51, 22225.52, 22225.53, 22225.65 (new);
§§ 22225.5, 22225.6, 22225.7, 22225.8 (amended).

AB 59 (Elder); 1989 STAT. Ch. 542

Sponsor: State Teacher's Retirement Board

Support: California Retired Teachers Association

Under prior law, members of the State Teacher's Retirement Board (Board) were personally liable for both a breach of their fiduciary duty¹ and for a breach of any provision of the State Teacher's Retirement Law.² Under Chapter 542, Board members are personally liable for a breach of their fiduciary duty, but not for breaches of the State Teacher's Retirement law.³

Under existing law, the Board may contract with an investment manager to manage the assets of the Teacher's Retirement Fund.⁴ Chapter 542 insulates the Board from liability for the manager's acts or omissions if the Board acted with the skill and care required while selecting and monitoring the investment manager.⁵ The inclusion of the terms of the fiduciary duty, in a contract with an investment manager, is admissible as evidence that the Board has met its fiduciary duty.⁶ The legislature does not intend Chapter 542 to affect the State Teachers' Retirement System's liability for breaches of the fiduciary duty regarding the administration of retirement benefits, nor liability for criminal or grossly negligent acts.⁷

BJW

1. Members' duties include: Acting for the exclusive benefit of members, using that care which a person acting in a like capacity would exercise when making investments, and not violating specified prohibited investment procedures. CAL. EDUC. CODE § 22225.5 (West Supp. 1989) (amended by 1989 Cal. Stat. ch. 542, sec. 2, at ____).

2. CAL. EDUC. CODE § 22225.6 (amended by 1989 Cal. Stat. ch. 542, sec. 6, at ____).

3. 1989 Cal. Stat. ch. 542, sec. 6, at ____ (amending CAL. EDUC. CODE § 22225.6). Board members continue to be personally liable for gross negligence and fraud. *Id.* sec. 7, at ____ (enacting CAL. EDUC. CODE § 22225.65(b)).

4. CAL. EDUC. CODE § 22225.8 (amended by 1989 Cal. Stat. ch. 542, sec. 9, at ____).

5. *Id.* See *id.* § 22225.5(a)(2) (care and skill required by Board in performance of duties).

6. 1989 Cal. Stat. ch. 542, sec. 9, at ____ (amending CAL. EDUC. CODE § 22225.8).

7. *Id.* sec. 1, at ____ (statement of legislative intent).

